

**Resolution  
of the  
California Fair Political Practices Commission**

The California Fair Political Practices Commission, pursuant to its statutory responsibility for the impartial and effective administration and implementation of the Political Reform Act, does hereby resolve as follows:

*Whereas*, the Commission is charged with the impartial, effective administration, implementation and enforcement of the Political Reform Act (the “Act”); and

*Whereas*, the Commission is structured to remain nonpartisan and strives to enforce the Act in a consistent, effective and politically neutral manner; and

*Whereas*, the major donor committee reporting provisions provide essential disclosure of extensive campaign contribution activity in California; and

*Whereas*, the Commission has devoted substantial resources over the last several years to streamline enforcement of nondisclosure violations to ensure that such violations are prosecuted and that filers are given greater incentive to comply with the law; and

*Whereas*, in 2000, the Commission initiated a proactive streamlined program to identify major donor committees that failed to file campaign statements, in part by utilizing information provided by the Secretary of State’s office from electronically filed campaign statements; and

*Whereas*, the program ensures the filing of delinquent statements that might not otherwise be made available to the public; and

*Whereas*, the ability of private parties to bring civil actions is an essential adjunct to the Commission’s enforcement of the Act; and

*Whereas*, Section 91007 of the Act permits a private party to bring a civil action after presenting a written request for prosecution if the Commission fails to respond to the request or declines to pursue the action within 120 days; and

*Whereas*, it is the view of the Commission that on occasion, private parties have abused the private enforcement process by demanding that the Commission prosecute minor violations within a limited time frame, then filing a civil action when the Commission is unable to prosecute immediately; and

*Whereas*, one plaintiff recently made demands on the Commission to prosecute a series of violations totaling 931 cases in only 120 days, an unnecessarily limited period of time given the nature of the violations and the timing of the demands; and

*Whereas*, the Commission informed the plaintiff that some cases had been reviewed and dismissed, some had already been addressed by Commission enforcement actions, and the

remaining alleged violations would be reviewed in the course of the Commission's major donor streamlined enforcement program or, for more serious cases, through the normal enforcement process; and

*Whereas*, because the Commission was unable to process each one of the hundreds of complaints in the statutory 120 day period, the plaintiff filed civil actions against hundreds of defendants, many of which proved to be unfounded and were subsequently dismissed; and

*Whereas*, hundreds of cases that would have been evaluated and potentially prosecuted as part of the Commission's streamlined programs, had they been permitted to proceed as part of the normal process, are currently being prosecuted as part of a duplicative civil action; and

*Whereas*, these prosecutions will undoubtedly have the effect of discouraging participation in the political process by contributors who will fear substantial fines and attorneys fees awards for unwitting violations of the Act; and

*Now, therefore, be it resolved* that the Commission hereby calls on the Legislature to amend the Act to limit the ability of an individual to inundate the Commission with hundreds of cases that the Commission is unable to prosecute within 120 days and where no public benefit would result from prosecuting the cases on such a short time frame; and

*Be it further resolved* that the Commission calls on the plaintiff to dismiss the civil actions to avoid cases that are potentially duplicative of the Commission's administrative prosecution program for these types of violations.

Subscribed this 14<sup>th</sup> day of July, 2005.

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Liane Randolph, Chairman

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A. Eugene Huguenin, Jr., Commissioner

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Philip Blair, Commissioner

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Ray Remy, Commissioner

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Sheridan Downey III, Commissioner